

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 9/14/2023
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
CONSOLIDATED EDISON COMPANY OF :
NEW YORK, INC., :
:

Plaintiff, :

-v- :

ACE AMERICAN INSURANCE COMPANY, :

Defendant. :

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GREGORY H. WOODS, United States District Judge:

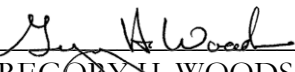
Plaintiff's Complaint sought judgment declaring, first, that Defendant has a duty to defend Plaintiff in the underlying action, and second, that Defendant has a duty to indemnify Plaintiff for the underlying action. *See* Dkt. No. 1, Ex. A (State Court Complaint), at 3–4.

On May 18, 2023, the Court granted Plaintiff's motion for summary judgment, finding that Defendant has a duty to defend Plaintiff in the underlying action. Dkt. No. 42. As set forth in the parties' June 28, 2023 letter, the only claim left unresolved following the order granting summary judgment was whether Defendant has a duty to indemnify Plaintiff in the underlying action. Dkt. No. 44. On September 13, 2023, the parties stipulated to voluntary dismissal without prejudice of this duty-to-indemnify claim pursuant to F.R.C.P. 41(a)(1)(A)(ii). Dkt. No. 51.

The Clerk of Court is directed to enter judgment in favor of Plaintiff and to close this case.

SO ORDERED.

Dated: September 14, 2023
New York, New York



GREGORY H. WOODS
United States District Judge